

Order

Michigan Supreme Court
Lansing, Michigan

October 17, 2007

Clifford W. Taylor,
Chief Justice

133698 & (62)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

BRIAN F. WALLINGTON,
Plaintiff-Appellee,

v

SC: 133698
COA: 263758
Ingham CC: 03-001882-NO

WOLVERINE ENGINEERS AND SURVEYORS,
INC.,

Defendant-Appellant,

and

CITY OF MASON, ELM INVESTMENTS, INC.,
ELM INVESTMENTS I, INC., MILLENNIUM
DIGITAL MEDIA SYSTEMS, L.L.C., and MISS
DIG SYSTEM, INC.,
Defendants.

On order of the Court, the application for leave to appeal the December 28, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals opinion discussing an issue not raised by the parties, specifically, the issue of whether defendant Wolverine Engineers and Surveyors, Inc., might not be entitled to summary disposition of claims that the plaintiff never pled. We REMAND this case to the Ingham Circuit Court for entry of an order granting Wolverine's motion for summary disposition. The motion to supplement the appellate record is DENIED as moot.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 17, 2007

Corbin R. Davis

Clerk